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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,345	10/06/2004	Kazumasa Inata	Q83520	8360

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SUGHRUE MION, PLLC
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EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

MAIL DATE	DELIVERY MODE
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07/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,345	INATA, KAZUMASA	
	Examiner	Art Unit	
	Robert Sellers	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6,7 and 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>24 July 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1712

1. Claims 3, 4 and 12-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to non-elected inventions, there being no allowable generic or linking claim. Claims 6, 7, 10 and 11 are withdrawn as being directed to the non-elected species of the presence of the inorganic ion-exchanger. The elections have been made **without** traverse in the reply filed on April 17, 2007.
2. Takai et al. Patent No. 6,924,008 ; Watanabe et al. Patent No. 6,783,840 and Suzuki et al. Patent No. 6,498,200 are withdrawn since claimed Component A requires a (hydrogentated) polybutadiene with glycidyloxy groups which is not present in epoxidized polybutadienes of the references wherein the epoxy groups are internally located within the polybutadiene without the claimed linking ether groups (i.e. the "oxy in the glycidyloxy groups). Watanabe et al. does set forth the elected species of bis(dodecylphenyl)iodonium hexafluoroantimonate initiator (col. 5, lines 54-55).
3. Japanese Patent Nos. 2001-131516 (translation, page 2, paragraph 13, line 3) and 2003-26993 (page 3, paragraph 21, lines 28-29) cited in the Information Disclosure Statement filed July 24, 2007 similarly disclose epoxidized polybutadienes without the claimed glycidyloxy groups.

The text of those sections of Title 35, U.S. Code not included in this action can be found in the non-Final rejection mailed April 24, 2007.

Claims 1, 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamura et al. Patent No. 5,981,616.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamura et al. as applied to the claims hereinabove, and further in view of Jansen et al. Patent No. 6,916,855.

The rejections are maintained for the reasons of record set forth in the non-Final rejection. The arguments filed July 24, 2007 have been considered but are unpersuasive.

4. Yamamura et al. is the equivalent of Japanese Patent No. 10-168165 cited in the Information Disclosure Statement filed July 24, 2007 and applied in the Notification of Reasons for Refusal from the Japanese Patent Office (misnumbered as 11-168165) as corroborated by Derwent accession no. 1998-314650.

5. Yamamura et al. in column 9, lines 58 and 63-64 reports the use of from 3-50% by weight of Poly bd R-45 EPI employed in Table 1 on page 27 of the instant specification as described on page 24, lines 1-3 which embraces the claimed proportions of from 25 to 45 parts by weight relative to 100 parts by weight of the total resin components supported on page 10, lines 18-19 of the specification.


6. Jansen et al. is relied upon as a secondary reference and need not teach each of the claimed limitations. The use of an antioxidant such as Irganox 1010 (col. 18, lines 65-66) in a formulation comprising an epoxidated polybutadiene or mono-oxetane compound is relevant to the composition of Yamamura et al. regardless of the particular type of epoxy group on the polybutadiene since it does not affect its function as an antioxidant.

The amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** (MPEP § 706.07(a)). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

rs
7/26/2007



ROBERT E.L. SELLERS
PRIMARY EXAMINER